



DEP 1 Ref

Docket No.: 0475-0198P
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Oswald GASSER et al.

Application No.: 10/009,603

Confirmation No.: 4201

Filed: December 11, 2001

Art Unit: 3732

For: SUPPORT MATERIALS AND IMAGING
METHOD FOR INTRAORAL DIAGNOSTIC
PURPOSES

Examiner: R. A. Lewis

REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account 02-2448 shown on the statement for the month of December 2005 for the above-identified

application patent

A copy of the monthly statement in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

	<u>AMOUNT OF REFUND REQUESTED</u>
<input type="checkbox"/> filing fee	_____
<input type="checkbox"/> search fee	_____
<input type="checkbox"/> examination fee	_____
<input type="checkbox"/> surcharge for filing the basic filing on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
and/or	
<input type="checkbox"/> surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e))	_____
<input type="checkbox"/> extension of term	
<input type="checkbox"/> first month	_____
<input type="checkbox"/> second month	_____
<input type="checkbox"/> third month	_____
<input type="checkbox"/> fourth month	_____
<input checked="" type="checkbox"/> excess independent claims	<u>\$200.00</u>
<input type="checkbox"/> issue fee	_____
<input type="checkbox"/> petition fee	_____

- patent maintenance fee _____
- first maintenance fee _____
- second maintenance fee _____
- third maintenance fee _____
- patent maintenance fee surcharge _____
- Other: _____

TOTAL REFUND REQUESTED 200.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The reason that a refund is being requested is that the Deposit Account was incorrectly charged a fee for an additional independent claim. However, only three independent claims exist such that there is no basis for this charge.

In addition, it is noted that method claims 31 and 46 are proper dependent (not independent) claims which refer back to product claim 17. This type of dependent claims is completely proper according to MPEP 608.01(n) (see Section III. at page 600-80 of Rev. 2004 edition). Consequently, no basis for the charged fee existed.

IV. MANNER OF REFUND

Please make refund by crediting Account No. 02-2448.

Application No.: 10/009,603

Docket No.: 0475-0198P

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Dated: December 14, 2005

Respectfully submitted,

By 

Andrew D. Meikle

Registration No.: 32,868

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Attorney for Applicant

Attachment(s)

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United States
Patent and
Trademark Office



Deposit Account Statement

Requested Statement Month: December 2005
Deposit Account Number: 022448
Name: BIRCH STEWART KOLASCH & BIRCH
Attention:
Address: 8110 GATEHOUSE ROAD
City: FALLS CHURCH
State: VA
Zip: 22042
Country: UNITED STATES OF AMERICA

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/01 1	10009603	0475-0198P	1201	\$200.00	\$11,01
12/01 3		085747-0235	1253	\$120.00	\$10,89
12/01 3		2907-102P	2402	\$250.00	\$10,64
12/01 4		2907-102P	2251	\$60.00	\$10,58
12/01 14		4518-0105PUS1	8021	\$40.00	\$10,54
12/01 35		3449-0477PUS1	1614	\$800.00	\$9,743
12/01 77		2750-1601PUS2	8021	\$40.00	\$9,703
12/01 81		2750-1602PUS2	8021	\$40.00	\$9,663
12/01 84			9204	-\$500.00	\$10,16
12/01 87			9204	-\$65.00	\$10,22
12/01 95		0147-0200P	8021	\$40.00	\$10,18
12/01 96			9204	-\$525.00	\$10,71
12/01 103			9204	-\$500.00	\$11,21
12/01 105		3672-0194PUS1	1051	-\$125.00	\$11,33
12/01 106		3655-0230PCN1	8007	\$20.00	\$11,31
12/01 358		2359-0135US1	7205	\$100.00	\$11,21
12/01 359		2359-0135US1	7201	\$400.00	\$10,81
12/01 657		4518-0112PUS1	2631	\$150.00	\$10,66
12/01 658		4518-0112PUS1	2633	\$100.00	\$10,56
12/01 659		4518-0112PUS1	2642	\$200.00	\$10,36
12/01 660		4518-0112PUS1	2615	\$125.00	\$10,24
12/01 661		4518-0112PUS1	2616	\$180.00	\$10,06
12/01 1336		0071-0637US1	7001	\$325.00	\$9,738
12/01 1339		0071-0639US1	7001	\$325.00	\$9,413
12/01 1342		0071-0638US1	7001	\$325.00	\$9,088
12/01 1958		2450-1166US1	7001	\$325.00	\$8,763
12/02 1		3673-0120PUS2	1251	\$120.00	\$8,643

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- Sales Receipt -

12/01/2005 ENIMMONS 00000001 022448 10009603

01 FC:1201 200.00 DA

Adjustment date: 03/29/2006 SFELEKE1
12/01/2005 ENIMMONS 00000001 022448 10009603
01 FC:1201 200.00 CR